

DFARS Procedures, Guidance, and Information

PGI 204—Administrative Matters

(Added January 24, 2008)

PGI 204.8—CONTRACT FILES

PGI 204.804 Closeout of contract files.

Data supporting contract closeout (i.e., DD Form 1594, Contract Completion Statement) are electronically transmitted throughout DoD. The Defense Logistics Management System Manual, DoD 4000.25-M, available at http://www.dla.mil/j-6/dlmso/eLibrary/Manuals/dlmso_pubs.asp, contains detailed instructions regarding closeout and electronic data transmission.

(1) The closeout date for file purposes will be the date in Block 9d of the DD Form 1594.

(2) If the contracting office must do a major closeout action that will take longer than 3 months after the date shown in Block 9d of the DD Form 1594—

(i) The closeout date for file purposes will be the date in Block 10e of the DD Form 1594; and

(ii) The contracting office shall notify the contract administration office of the revised closeout date by either sending a copy of the completed DD Form 1594 or by electronically transmitting the data.

PGI 204.804-1 Closeout by the office administering the contract.

(1) For contracting offices administering their own contracts, locally developed forms or a statement of completion may be used instead of the DD Form 1594, Contract Completion Statement. Whichever method is used, the form shall be retained in the official contract file.

(2) For contracts valued above the simplified acquisition threshold, prepare a DD Form 1597, Contract Closeout Check List (or agency equivalent), to ensure that all required contract actions have been satisfactorily accomplished.

PGI 204.804-2 Closeout of the contracting office files if another office administers the contract.

(1) When an office other than the contracting office administers the contract, the administering office shall—

(i) Provide the contracting office an interim contract completion statement when the contract is physically completed and accepted;

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(ii) Prepare a DD Form 1597, Contract Closeout Check List, if necessary, to determine that all the required actions have been completed;

(iii) Initiate DD Form 1593, Contract Administration Completion Record, if necessary to obtain statements from other organizational elements that they have completed the actions for which they are responsible; and

(iv) Upon final payment—

(A) Process a DD Form 1594 or the electronic equivalent verifying that all contract administration office actions have been completed; and

(B) Send the original DD Form 1594 or the electronic equivalent to the contracting office, and file a copy in the official contract file.

(2) If the administrative contracting officer (ACO) cannot close out a contract within the specified time period (see FAR 4.804-1), the ACO shall notify the procuring contracting officer (PCO) within 45 days after the expiration of the time period of—

(i) The reasons for the delay; and

(ii) The new target date for closeout.

(3) If the contract still is not closed out by the new target date, the ACO shall again notify the PCO with the reasons for delay and a new target date.

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PGI 212—Acquisition of Commercial Items

(Added January 24, 2008)

PGI 212.1—ACQUISITION OF COMMERCIAL ITEMS—GENERAL

PGI 212.102 Applicability.

(a) Contracting officers shall ensure that contract files fully and adequately document the market research and rationale supporting a conclusion that the commercial item definition in FAR 2.101 has been satisfied. Particular care must be taken to document determinations involving “modifications of a type customarily available in the marketplace,” and items only “offered for sale, lease, or license to the general public,” but not yet actually sold, leased, or licensed. In these situations, the documentation must clearly detail the particulars of the modifications and sales offers. When such items lack sufficient market pricing histories, additional diligence must be given to determinations that prices are fair and reasonable as required by FAR Subpart 15.4.

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PGI 222—Labor Laws

(Revised January 24, 2008)

PGI 222.17—COMBATING TRAFFICKING IN PERSONS

PGI 222.1703 Policy.

(i) The DoD Office of the Deputy Inspector General for Inspections and Policy (DoD OIG(I&P)) assists in implementing DoD Trafficking in Persons (TIP) programs and evaluates DoD's efforts to combat TIP. The DoD OIG(I&P) TIP website is <http://www.dodig.osd.mil/Inspections/IPO/combatinghuman.htm>. The website includes DoD policy memoranda, TIP awareness policy, DoD OIG policy on human trafficking, TIP awareness training, and a link to the Department of State TIP website, <http://www.state.gov/g/tip>.

(ii) Secretary of Defense memorandum of September 16, 2004 (located at http://www.dodig.osd.mil/Inspections/IPO/SECDEF_TIP_Policy.pdf), Subject: Combating Trafficking in Persons, states that "Trafficking includes involuntary servitude and debt bondage. These trafficking practices will not be tolerated in DoD contractor organizations or their subcontractors in supporting DoD operations."

(iii) Deputy Secretary of Defense memorandum of January 30, 2004 (located at http://www.dodig.osd.mil/Inspections/IPO/OSD_HT_Policy.pdf), Subject: Combating Trafficking in Persons in the Department of Defense, requires the incorporation of provisions in overseas contracts that—

(A) Prohibit any activities on the part of contractor employees that support or promote trafficking in persons; and

(B) Impose suitable penalties on contractors who fail to monitor the conduct of their employees.

(iv) DoD Instruction 5525.11, Criminal Jurisdiction Over Civilians Employed By or Accompanying the Armed Forces Outside the United States, Certain Service Members, and Former Service Members, dated March 3, 2005, implements policies and procedures, and assigns responsibilities, under the Military Extraterritorial Jurisdiction Act of 2000, as amended by Section 1088 of the National Defense Authorization Act for Fiscal Year 2005, for exercising extraterritorial criminal jurisdiction over certain current and former members of the U.S. Armed Forces, and over civilians employed by or accompanying the U.S. Armed Forces outside the United States. The instruction is available at the Washington Headquarters Services website, <http://www.dtic.mil/whs/directives/>.

PGI 222.1704 Violations and remedies.

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(1) If the contracting officer receives information indicating that the contractor, a contractor employee, a subcontractor, or a subcontractor employee has failed to comply with the requirements of the clause at FAR 52.222-50, the contracting officer shall, through the contracting officer's local commander or other designated representative, immediately notify the Combatant Commander responsible for the geographical area in which the incident has occurred.

(2) The Unified Combatant Command DefenseLINK website, <http://www.defenselink.mil/specials/unifiedcommand/>, identifies each command's area of responsibility and provides contact information for the Combatant Commander.